

CITY COUNCIL AGENDA

APRIL 15, 2003

SYNOPSIS

LINDA J. LE ZOTTE
FORREST WILLIAMS
CINDY CHAVEZ
CHUCK REED
NORA CAMPOS

DISTRICT 1
DISTRICT 2
DISTRICT 3
DISTRICT 4
DISTRICT 5

RON GONZALES MAYOR

KEN YEAGER
TERRY O. GREGORY
DAVID D. CORTESE
JUDY CHIRCO
PAT DANDO, VICE MAYOR

DISTRICT 6
DISTRICT 7
DISTRICT 8
DISTRICT 9
DISTRICT 10

Welcome to the San José City Council meeting!

This Agenda contains both a Consent Calendar section for routine business items that require Council approval, and general business items arranged to correspond with San José's City Service Areas (CSAs). City Service Areas represent the policy-making level for strategic planning, policy setting, and investment decisions in the critical functions the City provides to the community. They are:

- ***Strategic Support Services*** — The internal functions that enable the CSAs to provide direct services to the community in an effective and efficient manner.
- ***Economic and Neighborhood Development*** — Manage the growth and change of the community in order to create and preserve healthy neighborhoods and ensure a diverse range of employment and housing opportunities.
- ***Recreation and Cultural Services*** — Serve, foster, and strengthen community by providing access to lifelong learning and opportunities to enjoy life.
- ***Transportation Services*** — A safe and efficient transportation system that contributes to the livability and economic health of the City.
- ***Environment and Utility Services*** — Manage environmental services and utility systems to ensure a sustainable environment for the community.
- ***Aviation Services*** — Provide for the air transportation needs of the community and the region at levels that are acceptable to the community.
- ***Public Safety Services*** — Commitment to excellence in public safety by investing in neighborhood partnerships as well as prevention, enforcement, and emergency preparedness services.

Items listed in Section 10 require approval of both the City Council and the San José Redevelopment Agency Board.

You may speak to the City Council about any item that is on the agenda, and you may also speak on items that are not on the agenda during Open Forum. If you wish to speak to the City Council, please refer to the following guidelines:

1. **Fill out a Yellow Speaker's Card and submit it to the City Clerk seated at the front table. Do this before the meeting or before the item is heard.** This will ensure that your name is called for the item/s that you wish to address, and it will help ensure the meeting runs smoothly for all participants.
2. When the Council reaches your item on the agenda, Mayor Ron Gonzales will open the public hearing and call your name. Please address the Council from the podium, which is located to the left of the City Clerk's table.
3. Each speaker generally has two minutes to speak per item. The amount of time allotted to speakers may vary at the Mayor's discretion, depending on the number of speakers or the length of the agenda.
4. To assist you in tracking your speaking time, there are three lights located to the far right of the podium. The green light turns on when you begin speaking; the yellow light turns on when you have 30 seconds left; and the red light turns on when your speaking time is up.

Please be advised that, by law, the City Council is unable to discuss or take action on issues presented during Open Forum. According to State Law (the Brown Act) items must first be noticed on the agenda before any discussion or action.

The San José City Council meets every Tuesday at 1:30 p.m. and every first and third Tuesday at 7 p.m., unless otherwise noted. If you have any questions, please direct them to the City Clerk's staff seated at the tables just below the dais. Thank you for taking the time to attend today's meeting. We look forward to seeing you at future meetings.

Agendas and Staff Reports for City Council items may be viewed on the Internet at www.ci.san-jose.ca.us/cty_clk/agenda.htm

To arrange an accommodation under the Americans with Disabilities Act to participate in this public meeting, please call 1 (408) 277-4424 or 1 (408) 998-5299 (TTY) at least two business days before the meeting.

On occasion the City Council may consider agenda items out of order.

- **Call to Order and Roll Call**
9:30 a.m. - Closed Session, Room 600, City Hall
Absent – Council Members: Campos (excused).

1:30 p.m. - Regular Session, Council Chambers, City Hall
Absent – Council Members: None.

7:04 p.m. - Public Hearings, Council Chambers, City Hall
Absent – Council Members: None.
- **Invocation (District 4)**
Pastor Dick Bernal of the Jubilee Christian Center delivered the Innovation.
- **Pledge of Allegiance**
Mayor Gonzales led the Pledge of Allegiance.
- **Orders of the Day**
Item 2.3 was deferred to 4/29/03 and the Orders of the Day and the Amended Agenda was approved.

1 CEREMONIAL ITEMS

- 1.1** Presentation of a proclamation recognizing Black April Remembrance Day 2003 (Reed)
(Rules Committee referral 4/9/03)
HEARD IN THE EVENING
Mayor Gonzales was joined at the podium by Council Members Reed and Gregory for proclamation of April 30, 2002, as Black April Remembrance Day 2003, memorializing the Fall of Saigon and recognizing the Vietnamese flag as the “Flag of Free Vietnamese People”; the Vietnamese community was represented by several hundreds of San Jose residents who presented the Vietnamese flag in parade fashion in celebration of the City of San José as their new home.

2 CONSENT CALENDAR

Notice to the public: There will be no separate discussion of Consent Calendar items as they are considered to be routine by the City Council and will be adopted by one motion. If a member of the City Council, staff, or public requests discussion on a particular item, that item will be removed from the Consent Calendar and considered separately.

2.1 Approval of Minutes.

Recommendation: Approval of City Council Minutes for:

- (a) Regular meeting of August 20, 2002
- (b) Joint City Council/Redevelopment Agency Board meeting of August 20, 2002

Approved.

2.2 Final adoption of ordinances.

Recommendation: Final adoption of ordinances:

- (a) ORD. NO. 26863 – Rezones certain real property situated on the southwestern corner of Minnesota Avenue and Bird Avenue to CN Commercial Neighborhood Zoning District. C 03-011

Ordinance No. 26863 adopted.

- (b) ORD. NO. 26864 – Prezones certain real property situated on the west side of Union Avenue, approximately 80 feet northerly of Ronda Drive, to R-1-8 Residential Zoning District. C 02-067

Ordinance No. 26864 adopted.

- (c) ORD. NO. 26865 – Rezones certain real property situated on the northeast corner of S. Third and E. William Streets to A(PD) Planned Development Zoning District. PDC 02-083

Ordinance No. 26865 adopted.

2.3 Approval of a ground lease for the construction and operation of a new Fixed Base Operation on the southwest side of the Airport.

Recommendation: Approval of a ground lease with ACM Aviation, LLC (ACM) for the construction and operation of a new Fixed Base Operation on the southwest side of Norman Y. Mineta San José International Airport, for a 30 year term with one 10 year option, with the first year's interim construction rent commencing at notice to proceed, in the amount of \$86,339, and in the second year of construction in the amount of \$172,679, and subsequent annual rents in the amount of \$345,359, subject to annual Consumer Price Index increases, and subject to increase by appraisal every 5 years during the term of the lease. CEQA: Resolution No. 67380, PP 00-12-180. (Airport)
(Deferred from 4/1/03 – Item 2.3)

Continued to 4/29/03, with Staff directed: (1) to report on options available to address problem issues pertaining to itinerant planes, and (2) to clarify the listing of violations under the "Other San José" category, particularly with regard to anything west of Highway 17.

2 CONSENT CALENDAR

2.4 Approval of a grant agreement with United Way Silicon Valley.

Recommendation: Approval of a grant agreement with United Way Silicon Valley in the amount of \$250,000 for capacity building. CEQA: Not a Project. (City Manager's Office)

Approved.

2.5 Approval of open purchase orders for the purchase of supplies, materials, equipment, and services.

Recommendation: Approval of award of open purchase orders for supplies, materials, equipment, and services for FY 2002-2003 #29 and authorization for the Director of General Services to execute the purchase orders. CEQA: Not a Project. (General Services)

Approved

2.6 Approval of various actions related to improvements at Morrone Gardens.

Recommendation: Adoption of a resolution approving a loan amount not to exceed \$236,827 to Morrone Gardens Associates, a California Limited Partnership ("Morrone L.P."), to provide funds for rehabilitation and preventative measures associated with potential mold hazards. CEQA: Not a project. Council District 9. (Housing)

Resolution No. 71491 adopted.

2.7 Approval of a resolution initiating proceedings for the annexation of land designated as Bascom No. 37 and setting a public hearing.

Recommendation: Adoption of a resolution initiating proceedings and setting April 29, 2003 at 1:30 p.m. for Council consideration on the reorganization of territory designated as Bascom No. 37, which involves the annexation to the City of San Jose of 1.70 gross acres, located at the southwest corner of Forest Avenue and Ciro Avenue, and the detachment of the same from the following special districts, including West Valley Sanitation, Central Fire Protection, Santa Clara Valley County Water and Area No. 01 (Library Services) County Service. CEQA: Resolution No. 65459. Council District 6. (Planning, Building and Code Enforcement)

Resolution No. 71492 adopted.

2.8 Approval of a contract change order for the Foxworthy Avenue Bridge.

Recommendation: Approval of Contract Change Order (CCO) No. 8 with R.G.W. Construction, Inc. for the Foxworthy Avenue Bridge at the Guadalupe River Project in the amount of \$117,000, increasing the total contract amount to \$2,435,960.72, and increasing the contingency from \$210,000 to \$276,000. CEQA: Resolution No. 67894. Council District 7. (Public Works)

Approved.

2 CONSENT CALENDAR

2.9 Approval of the San José Arena Authority's 2001-2002 Annual Report.

Recommendation: Acceptance of the San José Arena Authority's 2001-2002 Annual Report. CEQA: Not a Project. (San José Arena Authority)

Report accepted.

2.10 Appointment of three members to the Independent Hearing Panel.

Recommendation: Approval of the appointment of three members to the Independent Hearing Panel, for solid waste enforcement and permitting, consisting of a technical expert, a member of the public, and a member of the City Council. (Mayor)
(Rules Committee referral 4/9/03)

Deferred to 4/22/03

2.11 Adoption of a resolution authorizing negotiations for an agreement with KaBOOM!

Recommendation: Adoption of a resolution authorizing the City Manager to negotiate and execute an agreement with KaBOOM! Inc. to accept a donation of playground equipment and services for Watson Park with an approximate value of \$50,000 including donated labor, requiring a City contribution to the project of \$2000, plus site preparation, staff time to coordinate volunteer efforts and community meetings, approve the design and final installation, and which may obligate the City to pay certain costs incurred by KaBOOM! and its funding partners if the installation of the playground equipment does not occur on June 28, 2003. CEQA: Exempt, PP03-04-114. (Parks, Recreation, and Neighborhood Services)
(Rules Committee referral 4/9/03)

Resolution No. 71493 adopted.

3 STRATEGIC SUPPORT SERVICES

3.1 Report of the Study Session

Mayor Gonzales, Chair

No Report.

3.2 Report of the Rules Committee – April 2, 2003

Vice Mayor Dando, Chair

(a) Redevelopment Agency items reported out at Redevelopment Agency meeting

(b) City Council

(1) Review April 15, 2003 Draft Agenda

The Committee recommended approval of the April 15, 2003 City Council agenda with one addition

STRATEGIC SUPPORT SERVICES

3.2 Report of the Rules Committee – April 2, 2003 (Cont'd)

Vice Mayor Dando, Chair

(b) City Council (Cont'd)

- (2) Add New Items to April 8, 2003 Amended Agenda
The Committee recommended three additions to the April 8, 2003 City Council Agenda.

- (3) List of Reports Outstanding
The Committee noted and filed the City Manager's report listing one staff report outstanding for the April 8, 2003 Council meeting.

(c) Legislative Update

(1) State

- (a) Update on AB 980 (Salinas), self-certification of local Housing Elements
The Committee accepted Director of Intergovernmental Relations Director Betsy Shotwell's update on AB 980 (Salinas).

(2) Federal

- (a) Federal Lobbyist Monthly Report
The Committee accepted the monthly report from Patton Bogg, LLP, the City's Federal Lobbyist.
- (b) President's Economic Stimulus Package and Impacts on Low-Income Housing Tax Credit Program
The Committee accepted the report from Leslye Corsiglia, Director of Housing, and Betsy Shotwell, Director of Intergovernmental Relations.

(d) Meeting Schedules
There were none.

(e) The Public Record
The Committee noted and filed the Public Record.

(f) Boards, Commissions and Committees
There were none.

(g) Council Referrals for Assignment to Administration or Council Appointee
There were none.

(h) Administrative Reviews and Approval
There were none.

STRATEGIC SUPPORT SERVICES

3.2 Report of the Rules Committee – April 2, 2003 (Cont'd) **Vice Mayor Dando, Chair**

- (i) Oral communications
Ross Signorino expressed concern that the names of the Council Standing Committees do not reflect their purpose.
- (j) Adjournment
The meeting adjourned at 2:30 p.m.

The Rules Committee Report and actions of April 2, 2003 accepted.

3.3 Report of the Making Government Work Better Committee **Council Member Campos, Chair** **No Report.**

3.4 Approval of a report back from the City Clerk on the methodology for performance measures and overview targets.

Recommendation: Approval of a report back from the City Clerk on the methodology for performance measures and overview targets. (Mayor)
(Deferred from 3/11/03 – Item 3.4 and 4/1/03 – Item 3.4)
Deferred to 4/29/03.

3.5 Council consideration of the adoption of a civil action ordinance related to the intentional disruptions of the airport security system.

Recommendation: Council consideration of the Airport Commission's recommendation to adopt an ordinance that would allow the City of San José and Norman Y. Mineta San José International Airport to recover the cost of the disruption of normal airport operations by people who intentionally violate airport security rules. (Reed)
(Rules Committee referral 3/26/03)

Council approved the memorandum from Council Members Campos and Cortese dated April 15, 2003, recommending: (1) Acceptance of the Airport Commission's recommendation that Council adopt a civil action ordinance related to intentional disruptions of the Airport Security Systems for the purpose of recovering the City's costs in responding to such incidents, as amended by Council to include recovery of City Attorney fees and to distinguish between intentional and accidental events; and (2) Directing Staff to develop a similar Citywide Cost Recovery Ordinance that allows the City to be reimbursed for costs associated with responding to public disturbances such as "fake emergencies" and/or "public nuisances".

4 ECONOMIC & NEIGHBORHOOD DEVELOPMENT

- 4.1 Report of the Building Strong Neighborhoods Committee
Council Member Chavez, Chair
No Report.**

- 4.2 Report of the Driving a Strong Economy Committee
Council Member Williams, Chair
No Report.**

- 4.3 Public Hearing on the 2003-2004 Draft Consolidated Plan Annual Action Plan.**

Recommendation: Public Hearing on the 2003-2004 Draft Consolidated Plan Annual Action Plan, including FY 2003-2004 proposed recommendations for the Community Development Block Grant (CDBG) Program, the HOME Investment Partnership Program (HOME), the Housing Opportunities for People with HIV/AIDS (HOPWA) Program, and the Emergency Shelter Grant (ESG) Program. CEQA: Not a Project. (Housing/Parks, Recreation and Neighborhood Services)
HEARD IN THE EVENING.

Approved. Staff directed to provide text to clarify the category map on draft report on page 14.

- 4.4 Approval of various actions related to Las Golondrinas Apartments.**

Recommendation: Adoption of a resolution approving a change in the source of funding for the conditional grant of up to \$4,804,900 to MACSA, or an affiliated entity, from the Extremely Low-Income Housing Reserve Fund (ELI), to the 20% Low- and Moderate-Income Housing Fund, for the development of Las Golondrinas, a 50-unit senior rental development to be made affordable to extremely low-income households, on a 1.31-acre site located on the southerly terminus of Kentucky Place, southerly of Alum Rock Avenue. CEQA: Negative Declaration, PDC 00-12-124. Council District 5. SNI Area: Mayfair. (Housing)

Resolution No. 71494 adopted.

- 4.5 Public Hearing and adoption of a resolution vacating a portion of Sixth Street.**

Recommendation: PUBLIC HEARING and adoption of a resolution vacating a portion of the west side of Sixth Street between Martha and Bestor Streets and reserving a public service easement. CEQA: Negative Declaration, PDC98-10-078. Council District 3. SNI Area: Spartan/Keyes. (Public Works)

Resolution No. 71495 adopted.

5 RECREATION & CULTURAL SERVICES

5.1 Report of the All Children Achieve Committee Council Member Yeager, Chair No Report.

5.2 Approval of various actions related to the Community Development Block Grant.

Recommendation:

- (a) Accept this second quarter report summarizing the status of CDBG projects and recommending corrective actions.
Approved.
- (b) Approval of an extension of the funding term for six months, from June 30, 2003 to December 31, 2003, for the following projects:
 - (1) G13 Northside Community Center Expansion - Filipino-American Senior Opportunity Development Council, Inc.;
 - (2) F87 Disabled Housing Preservation – Housing for Independent People, Inc.,
 - (3) F89 Nursery Renovation Project – San Jose Day Nursery; and
 - (4) F90 Franklin-McKinley School District Child Care - Franklin-McKinley School District.**Approved.**
- (c) Approval of an extension of the funding term for one year, from December 31, 2002 to December 31, 2003, for the following project:
 - (1) G43 Roosevelt Roller Hockey Rink Renovation project – Parks, Recreation and Neighborhood Services Department.**Approved.**
- (d) Approval of the return of CDBG funds for the following project:
 - (1) F91 Zoe-27 South 11th Street – Alliance for Community Care (\$403,698).**Approved.**
- (e) Adoption of amendments to the Appropriation Ordinance in the Community Development Block Grant Fund to do the following:
 - (1) Decrease the appropriation to Zoe-27th South 11th Street by \$403,698.
 - (2) Increase the Ending Fund Balance by \$403,698.

CEQA: Not a Project. (Parks, Recreation and Neighborhood Services)

Ordinance No. 26870 adopted.

RECREATION & CULTURAL SERVICES

5.3 Approval of a contract for the Ramblewood Park Play Area Renovation and Restroom Project.

Recommendation: Report on bids for Ramblewood Park Play Area Renovation and Restroom Project with the following recommendations:

- (a) Find the apparent low bidder, Playgrounds Unlimited, not responsible for failure to timely perform park renovation construction contracts awarded during 2002; and
- (b) Award the contract to the lowest responsible and responsive bidder, JFC Construction, Inc., in the amount of \$270,068, and approval of a contingency in the amount of \$13,500.

CEQA: Exempt, PP02-12-392. Council District 7. (Public Works)
(Deferred from 1/28/03 – Item 2.8 et al., and 4/8/03 – Item 2.3)

Approved.

6 TRANSPORTATION SERVICES

6.1 Report of the Building Better Transportation Committee Council Member Cortese, Chair No Report.

7 ENVIRONMENTAL & UTILITY SERVICES

7.1 Approval of various actions related to the San José Municipal Water System rates.

Recommendation: Authorize the City Manager to conduct a study of San José Municipal Water System rates and forward rate recommendations to the 2004-05 budget process.

CEQA: Not a Project. (City Manager's Office)

[Referred from 3/18/03 – Item 7.1 and deferred 4/1/03 – Item 7.4]

Deferral to 4/29/03.

ENVIRONMENTAL & UTILITY SERVICES

7.2 Approval of various actions related to an Environmental Enforcement Data Management System.

Recommendation:

- (a) Report on Request for Proposal (RFP) and approval of an agreement with enfoTech & Consulting, Inc. (Lawrenceville, NJ) for the implementation of an Environmental Enforcement Data Management System for a term of April 15, 2003 through April 30, 2005, in an amount not to exceed \$1,063,399.
- (b) Adoption of a resolution authorizing the Director of Environmental Services to negotiate and execute change orders to the enfoTech agreement in an amount not to exceed \$106,000.

CEQA: Not a Project. (General Services)

Resolution No. 71496 adopted. Staff directed to report back on the effectiveness of the software system.

8 AVIATION SERVICES

8.1 Approval of various actions to amend an agreement for consulting services at the Airport.

Recommendation:

- (a) Adoption of a resolution authorizing the City Manager to negotiate and execute the eighth amendment to the agreement with PB Aviation, Inc. for consulting services for the Airport Master Plan, increasing compensation by \$14,000,000, from \$34,840,000 to a total agreement amount not to exceed \$48,840,000, and extending the term of the agreement from February 1, 2004 to December 1, 2005.
- (b) Adoption of the following appropriation ordinance amendments in the Airport Revenue Bond Improvement Fund:
 - (1) Establish Elements of the Master Plan Studies appropriation in the amount of \$1,882,000.
 - (2) Establish Central Plant Expansion appropriation in the amount of \$128,000.
 - (3) Establish Maintenance Building SE (Bldg #1) appropriation in the amount of \$94,000.
 - (4) Establish North Concourse Site Facility Relocations appropriation in the amount of \$473,000.
 - (5) Establish Baggage Screening Phase II appropriation in the amount of \$5,100.
- (b) Adoption of the following appropriation ordinance amendments in the Airport Revenue Bond Improvement Fund:
 - (6) Establish Checkpoint Terminal A appropriation in the amount of \$5,100.

(Continued on next page)

AVIATION SERVICES

8.1 Approval of various actions to amend an agreement for consulting services at the Airport (cont'd)

(b) Adoption of the following appropriation ordinance amendments in the Airport Revenue Bond Improvement Fund: (Cont'd)

- (7) Establish Checkpoint Terminal C appropriation in the amount of \$5,100.
- (8) Establish Gate A1-C Relocation appropriation in the amount of \$101,800.
- (9) Establish North Concourse Building appropriation in the amount of \$2,377,000.
- (10) Decrease the Airport Security Improvement Reserve by \$5,071,100.

CEQA: Resolution No. 67380, PP 03-03-083. (Airport/City Manager's Office)

Deferred to 4/22/03

8.2 Approval of various actions to amend an agreement for master architectural services at the Norman Y. Mineta San José International Airport.

Recommendation:

- (a) Adoption of a resolution authorizing the City Manager to negotiate and execute the second amendment to the agreement with M. Arthur Gensler, Jr. & Associates (Gensler) for master architectural services, increasing compensation by \$15,560,000, from \$9,500,000, to a total agreement amount not to exceed \$25,060,000, and extending the term of the agreement from July 4, 2003 to December 1, 2005.
- (b) Adoption of the following appropriation ordinance amendments in the Airport Revenue Bond Improvement Fund:
 - (1) Increase the North Concourse Building appropriation in the amount of \$7,800,000.
 - (2) Increase the Central Plant Expansion appropriation in the amount of \$400,000.
 - (3) Increase the Baggage Screening Phase II appropriation in the amount of \$500,000.
 - (4) Increase the Checkpoint Terminal A appropriation in the amount of \$500,000.
 - (5) Increase the Checkpoint Terminal C appropriation in the amount of \$500,000.
 - (6) Increase the Gate A1-C Relocation appropriation in the amount of \$200,000.
 - (7) Increase the Elements of the Master Plan Studies appropriation in the amount of \$270,000.
 - (8) Decrease the Airport Security Improvement Reserve by \$10,170,000.

CEQA: Resolution No. 67380, PP 03-03-085. (Airport/City Manager's Office)

Deferred to 4/22/03

9 PUBLIC SAFETY SERVICES

9.1 Approval of various fiscal actions related to the Automated Fingerprint Identification System (AFIS) upgrade.

Recommendation:

- (a) Adoption of a resolution to accept SB 720 funds from the County of Santa Clara in the amount of \$1,300,000; and
Resolution No. 71497 adopted.

- (b) Adoption of amendments to the Annual Appropriation Ordinance and Funding Sources Resolution in the General Fund for the Fiscal Year 2002-03 as follows:

- (1) Establish a City-wide Appropriation for an Automated Fingerprint Identification System to the Police Department in the amount of \$1,300,000; and
(2) Increase the estimate for Revenue from Local Agencies by \$1,300,000.

CEQA: Not a Project. (Police/City Manager's Office)

Ordinance No. 26871 adopted.

Resolution No. 71498 adopted.

10 JOINT COUNCIL/REDEVELOPMENT AGENCY

REDEVELOPMENT AGENCY BOARD CONVENE AT 2:30 P.M. TO CONSIDER ITEM 10.1 IN A JOINT SESSION

10.1 Approval of various actions related to Vintage Towers.

Recommendation: Adoption of resolutions:

- (a) Authorizing the Director of Housing and the Executive Director to negotiate and execute an Option Agreement for the purchase of the Vintage Tower Apartments, a 59-unit mid-rise apartment building located at 235 East Santa Clara Street, for \$5,200,000 by First United Methodist Church Tower Properties, L.P., or an affiliated entity, from the City of San José.
- (b) Approving a funding commitment for a loan of up to \$2,225,000 to First United Methodist Church Tower Properties, L.P., or its designated affiliate, for the acquisition and rehabilitation of the property.

CEQA: Exempt, PP03-03-090. Council District 3. (Housing)

Resolution No. 71499 adopted.

Agency Resolution No. 5401 adopted.

Staff directed to report back with strategy for working with the current retail businesses in the building, and on the status of contracts with the Vietnamese Chamber of Commerce.

**REDEVELOPMENT AGENCY BOARD PORTION OF THE MEETING
ADJOURNED AT 2:36 P.M.**

- Closed Session Report
- Notice of City Engineer's Pending Decision on Final Maps
In accordance with Sec. 19.16.140d of the San Jose Municipal Code, this is notice of the City Engineer's pending decision on the following Final Maps:

<u>Tract</u>	<u>Location</u>	<u>Council District</u>	<u>Developer</u>	<u>Lots/ Units</u>	<u>Type</u>	<u>Proposed Decision</u>
9482	Payne Avenue and Southwood SE/c	1	Standard Pacific Homes	15 units	SFRD	Approve

In accordance with Sec. 19.16.140d of the San Jose Municipal Code, this is notice of the City Engineer's receipt of the following Final Maps for review:
None.

- Open Forum—Heard jointly with Redevelopment Agency Public Discussion.

Following Open Forum, Council recessed at 2:38 p.m., reconvened for a Joint Council/Redevelopment meeting, recessed at 2:40 p.m. and reconvened at 7:04 p.m. for Evening Council Meeting and General Plan Hearing.

11 PUBLIC HEARINGS

(Heard by the City Council at 7:00 p.m.)

11.1 Public Hearing on planned development rezoning of the property located at 890 South Winchester Boulevard.

Recommendation: PUBLIC HEARING ON PLANNED DEVELOPMENT REZONING of the property located at the southeast corner of South Winchester Boulevard and Neal Avenue (890 S. Winchester Blvd.), from CN Neighborhood Commercial District to A(PD) Planned Development Zoning District, to allow single-family attached residential uses (21 townhomes) on a 1.1 gross acre site. (Delta I LLC, Owner/Developer). CEQA: Negative Declaration. Director of Planning, Building and Code Enforcement and Planning Commission recommend approval (6-0-1).

PDC 02-071- District 6

(Continued from 1/21/03 – Item 11.2 et al., and 4/1/03 – Item 11.2)

Continued to 5/06/03

11.2 Public Hearing on planned development rezoning of the property located at 671 S. 11th Street.

Recommendation: PUBLIC HEARING ON PLANNED DEVELOPMENT REZONING located at/on the west side of South 11th Street, approximately 140 feet north of Margaret Street (671 S. 11th Street), from R-M Multiple Residence District to A(PD) Planned Development Zoning District, to allow the demolition of an existing single-family residence and construction of three townhomes on a 0.14 gross acre site. (Raymond Ruiz, Owner/Developer). CEQA: Exempt.

PDC 00-115 - District 3

(Continued from 3/18/03 – Item 11.9)

Continued to 5/06/03

11.3 Public Hearing on City Council-initiated planned development rezoning of the property located at US 101 and Metcalf Road.

Recommendation: PUBLIC HEARING ON CITY COUNCIL-INITIATED PLANNED DEVELOPMENT REZONING of the property located on the easterly side of US 101, northerly of Metcalf Road, from R-1-1 Residence Zoning District to A (PD) Planned Development Zoning District, to allow up to 213 single-family detached residences on approximately 263.6 gross acres. (Braddock & Logan Group, LP, Almaden Associates, LP, & Richard Ceralo, Owners Braddock & Logan Group, Developer). CEQA: Addendum to Metcalf Road Property Environmental Impact Report, Resolution No. 71360; additional resolution to be adopted. Director of Planning, Building and Code Enforcement and Planning Commission recommend approval (7-0-0).

PDC 03-012 - District 2

HEARD AFTER ITEM 2.1, GENERAL PLAN AGENDA

(Continued on next page).

PUBLIC HEARINGS

11.3 Public Hearing on City Council-initiated planned development rezoning of the property located at US 101 and Metcalf Road. (Cont'd)

Council made Findings of Overriding Considerations and CEQA Resolution No. 71501 was adopted; Ordinance No. 26875 passed for publication, and Staff was directed to review issues pertaining to pedestrian bicycle access on the emergency vehicle road and connections for regional trails and address at the appropriate phase of the project and report the actions to the Planning Commission.

11.4 Public Hearing on planned development rezoning of the property located at 615 Bird Avenue.

Recommendation: PUBLIC HEARING ON PLANNED DEVELOPMENT REZONING of the property located at west side of Bird Avenue, approximately 50 feet southerly of W. Virginia Street (615 Bird Avenue), from A(PD) Planned Development Zoning District and CP Pedestrian Commercial Zoning District to A(PD) Planned Development Zoning District, to allow up to 20 single-family attached residences on a 1.38 gross acre site. (Lawrence and Daryla Silva 1999 Trust, Greg Blackwell of Greg Blackwell Homes, Mannia Family 1988 Trust, Owners; Greg Blackwell Homes Inc., Developer). CEQA: Mitigated Negative Declaration. SNI: Greater Gardner. Director of Planning, Building and Code Enforcement and Planning Commission recommend approval (6-0-1).

PDC 02-087 - District 6

Ordinance No. 26872 passed for publication.

11.5 Public Hearing on planned development rezoning of the property located at Madden and South Jackson Avenues.

Recommendation: PUBLIC HEARING ON PLANNED DEVELOPMENT REZONING of the property located at the southeast corner of Madden Avenue and South Jackson Avenue, from R-1-8 Residential Zoning District and R-M Residential Zoning District to A(PD) Planned Development Zoning District, to allow up to 70 single-family attached residential units on a 0.94 gross acre site. (Falk Construction, Owner/Developer). CEQA: Negative Declaration.

PDC 02-078 - District 5

Continued to 5/6/03

11 PUBLIC HEARINGS

11.6 Public Hearing on Director-initiated rezoning of the property located at Rhodes Court and The Alameda.

Recommendation: PUBLIC HEARING ON DIRECTOR-INITIATED REZONING of the property located on the northeast corner of Rhodes Court and The Alameda, from CG Commercial General to LI Light Industrial Zoning Districts to CP Commercial Pedestrian District, to allow commercial uses on a 0.81 gross acre site. CEQA: GP 2020 EIR. Director of Planning, Building and Code Enforcement and Planning Commission recommend approval (7-0-0). (Planning, Building, and Code Enforcement, Director) C 03-013 - District 6

Ordinance No. 26873 passed for publication.

11.7 Public Hearing on planned development rezoning of the property located at 5502 Monterey Highway.

Recommendation: PUBLIC HEARING ON PLANNED DEVELOPMENT REZONING of the property located at the easterly side of Monterey Highway, approximately 100 feet southerly of Blossom Hill Road (5502 Monterey Highway), from A(PD) Planned Development Zoning District to A(PD) Planned Development Zoning District, to allow an approximately 5,150 square foot stockroom expansion to an existing retail building on approximately 9.15 gross acres. (Pan Pacific Realty Corporation, Owner; Wal-Mart Stores, Inc., Developer). CEQA: Exempt. Director of Planning, Building and Code Enforcement and Planning Commission recommend approval (7-0-0). PDC 02-085 - District 2

Ordinance No. 26874 passed for publication; and Staff directed to ensure that issues raised by neighbors pertaining to lighting, the storage bin, and the recycle bin are addressed at the PD Permit Phase.

- Open Forum
- Adjournment

The Council of the City of San José adjourned in memory of Reverend Manuel J. Vizcarra, Pastor of the First Apostolic Church of San José, located in the Mayfair area; and in memory of Roger Chastain, father of Brandi Chastain of the San José CyberRays.

The Council of the City of San José adjourned at 8:56 p.m.

**THE FOLLOWING ACTIONS WERE TAKEN BY THE CITY COUNCIL ON 4/15/03
AT THE JOINT REDEVELOPMENT/COUNCIL MEETING:**

7.1 Adoption of resolutions by the City Council and Agency Board:

- (a) By the City Council accepting the summary of costs and findings of the Amended Summary 33433 Report, pursuant to the California Health and Safety Code Section 33433, for the mixed-use development of three downtown sites referred to as Block 3, Fountain Alley parking lot, and Second and Santa Clara parking lot, finding that the sale of the three sites will assist in the elimination of blight, will provide housing for low and moderate-income persons, is consistent with the Implementation Plans, and that the consideration for the sites is not less than the fair reuse value with the covenants and conditions and development costs authorized by the sale; and,
- (b) By the Redevelopment Agency Board approving the first amendment to the Disposition and Development Agreement with CIM California Urban Real Estate Fund, L.P., a Delaware-Limited Partnership, for the development of mixed-use infill projects in the Downtown core and authorizing the Executive Director to execute the same, to negotiate and execute amendments to the DDA substantially in conformance with the intent of the DDA as amended, and to close escrow subject to compliance with the terms of the Amended DDA; and,
- (c) By the City Council and Agency Board authorizing the City Manager and Executive Director to negotiate and execute one or more Parking Agreements governing the operations and maintenance of the public parking garages to be owned by the City of San José.

CEQA: Resolution No. 71039.1, PP02-12-378.1 [MERGED]

(Deferred from 4/8/03, Item 7.1)

Resolution No. 71500 adopted.

Agency Resolution No. 5400 adopted.